UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

KERWIN D. SCOTT,)
Plaintiff,))
v.) Case No. 4:13CV255 TIA
)
TERRY RUSSELL, et al.,)
)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Motion for Extension of Time (Docket No. 40) and his proposed Amended Complaint received by mail on July 19, 2013.

The undersigned notes that the proposed Amended Complaint fails to include a certificate of service so as to demonstrate when, or if, **DEFENDANTS** were served with the Amended Complaint. Fed.R.Civ.P. 5(a)(1) (general requirement of service of all papers on all parties). A review of the certificate of service shows that Plaintiff listed the Court (United States District Court, 111 South 10th Street, St. Louis, Mo. 63102) as the recipient of the copy of the pleading rather than Defendants' counsel. Rule 5(d) requires that all papers include a certificate of service to reflect that a copy was sent to **opposing counsel** as required by Rule 5(a). An acceptable certificate of service could state, "I certify that a copy of the foregoing was mailed, postage prepaid, in the U.S. Mail on this ____ day of August, 2013, to: H. Anthony Relys, Attorney General of Missouri, P.O. Box. 861, St. Louis, MO 63188. Accordingly, the Court will return the proposed Amended Complaint without filing. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Extension of Time (Docket No. 40)

is GRANTED.

IT IS FURTHER ORDERED that the Clerk shall return the proposed Amended Complaint and other documents from Plaintiff received by mail on July 19, 2013.

IT IS FURTHER ORDERED that Plaintiff shall submit the proposed Amended Complaint including a certificate of service showing Defendants' counsel as the recipient of the copy of the pleading no later than thirty (30) days from the date of this Memorandum and Order.

Dated this 2nd day of August, 2013.

/s/Terry I. Adelman
UNITED STATES MAGISTRATE JUDGE